©
Government of Kerala
1978

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIII] Trivandrum, Friday, 6th January 1978 / 16th Pousha 1899 [No. 10

GOVERNMENT OF KERALA

Law (Leg. A) Department

NOTIFICATION

No. 20807-Leg. (A) 2/77/Law. *Dated, Trivandrum, 6th January 1978/ 16th Pousha, 1899.*

The following Ordinance promulgated by the Governor on the 5th day of January, 1978, is hereby published for general information.

By order of the Governor,

K. VISWANATHAN NAIR,
Additional Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/74/MC

ORDINANCE NO. 1 OF 1978

THE VALIAMMA THAMPURAN KOVILAKAM ESTATE AND THE PALACE FUND (PARTITION) AND THE KERALA JOINT HINDU FAMILY SYSTEM (ABOLITION) AMENDMENT ORDINANCE, 1978

Promulgated by the Governor of Kerala in the Twenty-eighth Year of the Republic of India.

AN

ORDINANCE

to amend the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961 *and the Kerala Joint Hindu Family System (Abolition) Act,* 1975.

Preamble.—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for her to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) and the Kerala Joint Hindu Family System (Abolition) Amendment Ordinance, 1978.

(2) It shall come into force at once.

2. *Act* 16 *of* 1961 *and Act* 30 *of* 1976 *to be temporarily amended.*—During the period of operation of this Ordinance, the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961 (16 of 1961), shall have effect subject to the amendments specified in sections 3 to 8 and the Kerala Joint Hindu Family System (Abolition) Act, 1975 (30 of 1976), shall have effect subject to the amendment specified in section 9.

3. *Amendment of section* 2.—In section 2 of the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961 (hereinafter referred to as the principal Act),—

(a) for clause (c), the following clause shall be, and shall be deemed to have been, substituted with effect on and from the 28th day of December, 1971, namely:—

"(c) 'family' means the Marumakkathayam joint family consisting of the four main thavazhies of the Ruler of the former State of Cochin within the meaning of clause (22) of article 366 of the Constitution of India;";

(b) in clause (d), the words "of the Maharaja of Cochin" shall be, and shall be deemed to have been, omitted with effect on and from the 28th day of December, 1971.

4. *Substitution of new section for section* 3.—For section 3 of the principal Act, the following section shall be substituted, namely:—

"3. *Partition of the Estate and the Palace Fund.*—(1) The seniormost male member of the family shall, within sixty days from the date of commencement of the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) and the Kerala Joint Hindu Family System (Abolition) Amendment Ordinance, 1978, direct the Board to effect partition of the Estate and the Palace Fund among all the members entitled to a share of the Estate and the Palace Fund under section 4 of the Kerala Joint Hindu Family System (Abolition) Act, 1975 (30 of 1976), and such direction shall be published by the Board in the Gazette.

(2) If the seniormost male member fails to direct the Board as required by sub-section (1), the Board shall, on the expiry of the period specified in that sub-section, proceed to effect the partition of the Estate and the Palace Fund among the members referred to in sub-section (1) and the partition so effected shall be valid notwithstanding anything contained in section 17 of the Proclamation.".

5. *Omission of sections 4 and* 5.—Sections 4 and 5 of the principal Act shall be, and shall be deemed to have been, omitted with effect on and from the 1st day of December, 1976.

6. *Amendment of section* 6.—In section 6 of the principal Act, for the words "Maharaja of Cochin", the words "seniormost male member" shall be, and shall be deemed to have been, substituted with effect on and from the 28th day of December, 1971.

7. *Amendment of section* 8.—In section 8 of the principal Act,—

(a) in the marginal note, the words "of the Maharaja" shall be, and shall be deemed to have been, omitted with effect on and from the 28th day of December, 1971;

(b) for the words "Maharaja of Cochin", the words "former Ruler of Cochin" shall be, and shall be deemed to have been, substituted with effect on and from the 28th day of December, 1971;

(c) the words "and subsisting at the time of the partition" shall be inserted at the end.

8. *Substitution of new section for section* 11.—For section 11 of the principal Act, the following section shall be, and shall be deemed to have been, substituted with effect on and from the 28th day of December, 1971, namely:—

"11. *Amendment of Proclamation.*—In the Proclamation (IX of 1124) dated the 29th June, 1949, promulgated by the Maharaja of Cochin,—

(i) in section 2, the word "and" at the end of clause (b) shall be omitted and, after that clause, the following clause shall be inserted, namely:—

"(bb) 'family' means the Marumakkathayam joint family consisting of the four main thavazhies of the Ruler of the former State of Cochin within the meaning of clause (22) of article 366 of the Constitution of India;";

(ii) for the words "Our family", wherever they occur, the words "the family" shall be substituted;

(iii) for the word "Us", wherever it occurs, the words "the seniormost male member of the family" shall be substituted;

(iv) in section 12, for the words "Our previous sanction", the words "the previous sanction of the seniormost male member of the family" shall be substituted;

(v) in sections 17 and 20, for the words "Our approval", the words "the approval of the seniormost male member of the family" shall be substituted;

(vi) in section 22, the words "the Estate and the Palace Fund shall be impartible and" shall be omitted;

(vii) section 24 shall be omitted.".

9. *Amendment of Act* 30 *of* 1976.—In the Kerala Joint Hindu Family System (Abolition) Act, 1975 (30 of 1976), after section 7, the following section shall be, and shall be deemed always to have been, inserted, namely:—

"8. *Proclamation IX of* 1124 *and Act* 16 *of* 1961 *to continue in force.*—Notwithstanding anything contained in this Act or in any other law for the time being in force, Proclamation (IX of 1124) dated the 29th June, 1949, promulgated by the Maharaja of Cochin, as amended by the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) and the Kerala Joint Hindu Family System (Abolition) Amendment Ordinance, 1978 and the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961 (16 of 1961), as amended by the said Ordinance shall continue to be in force and shall apply to the Valiamma Thampuran Kovilakam Estate and the Palace Fund administered by the Board of Trustees appointed under section 3 of the said Proclamation.".

JOTHI VENCATACHELLUM,
GOVERNOR.